

INTERVIEW SUMMARY

Applicants wish to thank Examiner Therkorn for his time during the telephone conversation with Applicants attorney and assignee representative Mr. Bill Lyon on August 16, 2006. During this conversation, the Examiner indicated that a declaration under 37 C.F.R. § 1.132 by the Editor-in-Chief asserting the actual publication date of the Nurok reference and an explanation for the delay in publication is required to overcome the rejection based on the Nurok reference. Applicants have obtained a declaration from the Editor-in-Chief of the Journal of Planar Chromatography setting forth the actual publication date of the Nurok reference and an explanation for the delay in publication. Applicants have filed the declaration from the Editor-in-Chief herewith.

Applicants also note that the Interview Summary prepared by the Examiner on August 17, 2006 is in error. The Interview Summary erroneously lists inventor Dr. David Nurok as one of the participants of the telephonic interview conducted on August 16, 2006. Dr. David Nurok was not a participant of this interview. Rather, Mr. Bill Lyon, a representative of the assignee Indiana University Research and Technology Corp., was present at the telephonic interview conducted with Examiner Therkorn on August 16, 2006. A corrected Examiner's Interview Summary is therefore requested.

REMARKS

Reconsideration of the above-identified patent application is respectfully requested.

Claims 1-12 are pending in this application, of which claims 3 and 4 have been previously withdrawn from consideration. Claims 1, 2, and 5-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Journal of Planar Chromatography, Vol. 11, pages 244-246 by Nurok ("Nurok") in view of U.S. Patent Serial No. 3,864,250 to Perry ("Perry"). Claims 11 and 12 also stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nurok in view of Perry in further view of U.S. Patent Serial No. 4,671,870 to Tompa ("Tompa"). Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Nurok in view of Perry in further view of U.S. Patent Serial No. 5,248,426 to Stillian ("Stillian").

Nurok Is Not Prior Art

Nurok, Journal of Planar Chromatography, Vol. 11, pages 244-246, authored by Nurok, et al., is not a prior art reference to the present application. The date listed on Nurok (i.e., "JULY/AUGUST 1998") is not the publication date of Nurok. **Rather, Nurok was published on October 26, 1998.** Applicants have filed herewith a Declaration Under 37 C.F.R. § 1.132 signed by Professor Doctor Szablocs Nyiredy, the Editor-in-Chief of the Journal of Planar Chromatography. This declaration confirms that the Nurok reference (i.e., the paper entitled "The Performance of Planar Chromatography using Electroosmotic Flow") was included in issue 4/1998 (Vol. 11), pages 244-246, which **was published on October 26, 1998** and includes an explanation for the delay in publication. Therefore, the publication date of Nurok is October 26, 1998.

Turning now to the present patent application, this patent application, Patent Application Serial No. 10/646,125, is a divisional of U.S. Patent 6,610,202, which is a Continuation of U.S. Patent 6,303,029. The U.S. Patent 6,303,029 was filed on October 25, 1999. The present patent application claims the benefit of U.S. Patent 6,303,029 and, as such, enjoys an earliest priority date of October 25, 1999. Because Nurok was published on October 26, 1998 and the earliest priority date of the present patent application is October 26, 1999, Nurok is not a prior art reference to the present application.

§103(a) Rejections - Nurok and Perry

The Examiner rejected claims 1, 2, and 5-12 as being unpatentable over Nurok in view of Perry. However, as discussed above, Nurok is not a prior art reference to the present patent application. As such, Applicants respectfully request that the present rejection be withdrawn.

§103(a) Rejections - Nurok, Perry, and Tompa

The Examiner also rejected claims 11 and 12 as being unpatentable over Nurok in view of Perry and in further view of Tompa. Again, as discussed above, Nurok is not a prior art reference to the present patent application. As such, Applicants respectfully request that the present rejection be withdrawn.

§103(a) Rejections - Nurok, Perry, and Stillian

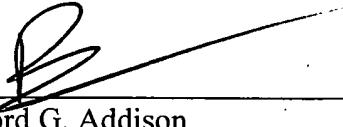
The Examiner also rejected claim 7 as being unpatentable over Nurok in view of Perry and in further view of Stillian. Again, as discussed above, Nurok is not a prior art reference to the present patent application. As such, Applicants respectfully request that the present rejection be withdrawn.

Inventive Entity

In regard to Nurok, the Examiner observed that “the inventive entity listed on the article (Nurok) and on the patent application is different.” (Office Action dated June 2, 2006, page 4, lines 9-10). It is not clear to the Applicants whether the Examiner is presenting a rejection based on this observation. Regardless, “[t]he inventive entity for a particular application is based on **some contribution to at least one of the claims** made by each of the named inventors. . . Each joint inventor must generally contribute to the conception of the invention.” (See MPEP 2137.01V). David Nurok and Megan Frost contributed to at least one of the claims of the present invention and are properly listed as inventors thereof. The Examiner has failed to point to any evidence of contribution to the claims of the present application by any other individual. Applicants, therefore, believed that the current inventorship is correct.

For at least the reasons provided above, Applicants believe that claims 1, 2, 5-12 are in condition for allowance, and such action is respectfully requested. It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in other fees be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg LLP, Deposit Account No. 10-0435 with reference to file 29920-73303.

Respectfully submitted



Bradford G. Addison
Registration No. 41,486
Attorney for Applicant

BGA:gmk
Indianapolis, Indiana 46204
317-231-7253
INDS02 GKELLETT839064v1